

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

CITY OF BOSTON, MASSACHUSETTS, et al.,
Defendants.

Civil Action No. 05-11598 WGY
THREE-JUDGE COURT

SECRETARY OF THE COMMONWEALTH OF MASSACHUSETTS'
ASSENTED-TO MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSE TO UNITED STATES' UNOPPOSED
MOTION TO CLARIFY MEMORANDUM OF AGREEMENT AND SETTLEMENT

The Secretary of the Commonwealth moves pursuant to Fed. R. Civ.P. 6(b) and Loc. R. 7.1(B)(2) to enlarge the time for filing a response to the United States' Unopposed Motion to Clarify Memorandum of Agreement and Settlement (Docket No. 72) filed on May 24, 2007, by approximately 30 days, until July 9, 2007. As grounds therefor, the Secretary states as follows:

1. The Secretary is prepared to move to intervene as a defendant for the purpose of opposing the United States' Motion. Under Loc. R. 7.1(B)(2), the deadline for filing a response to the Motion is today.
2. The United States and the Secretary wish to meet to discuss and attempt to resolve the issues raised by the Motion but have been unable to do so since the Motion was filed. The United States has offered to waive the deadline for responding to the Motion until after such a meeting or meetings can occur. The City of Boston defendants have no objection. If the meetings are productive but do not produce a resolution within 30 days, the Secretary may seek a further enlargement of the time for responding to the Motion.
3. By assenting to this motion, the United States and the City of Boston do not waive any defense or opposition they may have to any later motion to intervene and/or opposition to the United States' Motion that the Secretary may file, other than a defense or opposition asserting that such filings are untimely based on Local Rule 7.1.
4. Should this Motion for Enlargement of Time be denied, the parties agree not to assert that any filings by the Secretary such as those described in Paragraph 3 are

untimely based on Local Rule 7.1, provided they are filed within three business days after the Court's action on this Motion.

The Secretary therefore respectfully requests that the time for responding to the United States' Motion be enlarged until July 9, 2007.

ASSENTED TO:

UNITED STATES OF AMERICA
By its attorney,

SECRETARY OF THE COMMONWEALTH OF
MASSACHUSETTS
By his attorney,

ALBERTO GONZALES
ATTORNEY GENERAL

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ John K. Tanner
John K. Tanner
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CITY OF BOSTON DEFENDANTS
By their attorney,

/s/ Mark Sweeney
Mark Sweeney
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City Hall, Room 615
Boston, MA 02201
617-635-4034

Date: June 7, 2007

Certificate of Service

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent this day to those who are indicated on the NEF as non-registered participants and who are not represented by counsel.

/s/ Peter Sacks